

PHYSICAL EDUCATION AND ACTIVITY

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity, which is outlined in BP 5030, Student Wellness. The following policy also incorporates goals for physical activity.

In alignment with LCAP Goals 2 and 4, the Board of Education recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

According to the CDE's Physical Education Framework for California Public Schools, it is the obligation of the Board to determine whether to grant physical education credit for a particular course, including, but not limited to Junior ROTC marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for Grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across Grades 9-12. The CDE's Physical Education FAQs add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

The Board shall approve the courses in Grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

The US Department of Health and Human Services (HHS) Healthy People 2020 report recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous

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physical activity for at least 50 percent of physical education class time. Administrative Regulation 6142.7 includes definitions of “moderate physical activity” and “vigorous physical activity.”

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Students with disabilities shall be provided instruction in physical education in accordance with their Individualized Education Program (IEP) or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 – Joint Use Agreements)

(cf. 5142.2 – Safe Routes to School Program)

(cf. 5148 – Child Care and Development Program)

(cf. 5148.2 – Before/After School Programs)

(cf. 6145 – Extracurricular and Cocurricular Activities)

Staffing

A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. The holder of a multiple subject credential may teach a departmentalized class in Grades K-9 in the subject of his/her major or minor pursuant to 5 CCR 80020. In addition, Education Code 44256 authorizes the Board to assign a multiple subject credentialed teacher to teach a departmentalized class below Grade 9 if he/she has 20 hours of coursework or 10 hours of upper division coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in Grades K-12 if he/she has “adequate knowledge” of the subject to be taught based on specific district-adopted criteria and standards. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to

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students who are precluded from participating in a general education physical education program or a specially designed physical education program.

The CDE’s Physical Education FAQs clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher but may not provide the physical education instruction.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4113 - Assignment)

(cf. 4222 - Teacher Aides/Paraprofessionals)

The district may provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in Grades 5, 7, 9 who have failed or not taken the FITNESSGRAM. (Education Code 60800; 5 CCR 1041)

Two-Year Exemptions

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to “satisfactorily” meet at least five of the six standards of the FITNESSGRAM administered in Grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the “healthy fitness zone” on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during Grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in Grade 9. (Education Code 51241)

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Students in Grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

A student can be permanently exempted from physical education as long as he or she is 16 years old or older and has been enrolled in Grade 10 for one academic year or longer. (Education Code 51241). The Physical Education, Health and Athletics Director may grant permanent exemptions for extreme or severe circumstances on a case-by-case basis.

Other Exemptions

When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Program Evaluation

The Superintendent or designee shall as requested by the Board report to the Board on each school's FITNESSGRAM results for each applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

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51222 *Physical education*
 51223 *Physical education, elementary schools*
 51241 *Temporary, two-year or permanent exemption from physical education*
 51242 *Exemption from physical education for athletic program participants*
 52316 *Excuse from attending physical education classes*
 60800 *Physical performance test*
CODE OF REGULATIONS, TITLE 5
 1040-1048 *Physical performance test*
 3051.5 *Adapted physical education for individuals with exceptional needs*
 4600-4687 *Uniform complaint procedures*
 10060 *Criteria for high school physical education programs*
 80020 *Additional assignment authorizations for specific credentials*
 80037 *Designated subjects teaching credential; special teaching authorization in physical education*
 80046.1 *Added authorization to teach adapted physical education*
UNITED STATES CODE, TITLE 29
 794 *Rehabilitation Act of 1973, Section 504*
UNITED STATES CODE, TITLE 42
 1758b *Local wellness policy*
ATTORNEY GENERAL OPINIONS
 53 *Ops. Cal. Atty. Gen. 230 (1970)*
COURT DECISIONS
Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668
Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975
Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959

Management Resources:

CSBA PUBLICATIONS
Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009
Physical Education and California Schools, Policy Brief, rev. October 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005
Adapted Physical Education Guidelines for California Schools, 2003
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Health Index (SHI): Self-Assessment and Planning Guide 2014
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
The Administrator's Assignment Manual, 2007

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

Policy
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San Diego, California